



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 3762

Avi Penner, et al

Serial No.: 09/989,912 Confirmation No.: 1805

Filed: November 19, 2001

For: SYSTEMS AND METHODS FOR

COMMUNICATING WITH IMPLANTABLE DEVICES

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Examiner: Carl H. L'ayno

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies are not enclosed since each item was submitted or cited in parent application (Serial No. 09/690,615, now Pat. No. 6,628,989).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

Information Disclosure Statement Filing Provision:

	three mo	S is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) on the filing date of the application, which is not a continued prosecution application 53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR §
1.491;	or (3) be	efore the mailing of a first Office action on the merits; or (4) before the mailing of a first filing a request for continued examination under § 1.114. Thus, no fee is required.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
on the : § 1.311	merits, b	S is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR
Ü		The fee due under 37 CFR § 1.17(p) is submitted herewith.
·		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
•	or a No	PS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR office of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A r 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
_		STATEMENT UNDER 37 CFR § 1.97(e):
		em contained in this IDS was first cited in any communication from a foreign patent office
in a co	_	t foreign application not more than three months prior to the filing of this IDS.
		n contained in this IDS was cited in a communication from a foreign patent office in a
	=	eign application, and, to the knowledge of the person signing this statement after making
	_	niry, no item of information contained in this IDS was known to any individual designated
in 37 C	FR § 1.	56(c) more than three months prior to the filing of this IDS.

	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:							
	A check in the amount of is enclosed for the above fee(s).							
	Please charge to Deposit Account No. 50-2518 for the above fee(s).							
Although applicant believes no fee is required, the Commissioner is authorized to								
	required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's							
	Deposit Account No. 50-2518.							
	Respectfully submitted,							
	BINGHAM McCUTCHEN LLP							
Dated:	June 10, 2005 By: David T. Burse Reg. No. 37,104							

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400 se type a plus sign (+) inside this box

substitute for form 1449A/PTO

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Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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*****BUPPLEMENTAL* INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number 09/989.912 Filing Date November 19, 2001 First Named Inventor Avi Penner, et al Group Art Unit 3762 **Examiner Name** Carl H. Layno

Complete if Known

(use as many sheets as necessary)

of Attorney Docket Number 50-7015285001 (262/229) Sheet

	Cite No. ¹	U.S. Patent Documer	Name of Patentee or Applicant	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevar Passages or Relevant Figures Appear
Examiner Initials *		Number Kind Code (if known)	of Cited Document		
	1	2,786,899	Carlisle, et al	03-26-1957	
	2	3,672,352	Summers	06-27-1972	
	3	3,970,987	Kolm	07-20-1976	
	4	4,041,954	Ohara	08-16-1977	
	5	4,099,530	Chen, et al	07-11-1978	
	6 4,481,950		Duggan	11-13-1984	
	7	4,616,640	Kaali et al	10-14-1986	
	8	6,162,238	Kaplan et al	12-19-2000	•
_	9	6,764,446	Wolinsky	07-20-2004	
					

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	For Office ³	eign Patent Do	cument Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т ₆
	10	wo	00/47109		Cygnus, Inc.	08-17-2000		
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Examiner Signature	 Date Considered	

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark hee if English language Translation is attached.